United Nations A/C.5/57/L.30

General Assembly

Distr.: Limited
3 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 124
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Draft resolution submitted by the Chairman following informal consultations

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the report of the Secretary-General on the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2002-2003,[1] the financial performance report of the International Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 2001,[2] the comprehensive report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda,[3] as well as the related report of the Advisory Committee on Administrative and Budgetary Question,[4]

Recalling its resolutions 56/247 A of 24 December 2001 and 56/247 B of 27 March 2002 on the financing of the International Tribunal for the Former Yugoslavia for the biennium 2002-2003,

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions[4];

[1] A/57/480.
[2] A/57/367.
[3] A/56/853.
[4] A/57/593.

02-72085 (E) 041202

2. *Takes note* of the utilization of the commitment authority authorized in its resolution 55/225 B of 12 April 2001;

3. *Requests* the Secretary-General to prepare a comprehensive report on the progress made by the International Tribunal for the Former Yugoslavia in reforming its legal aid system, particularly with regard to rationalizing the costs of defence counsel and establishing indigence, for the main part of the fifty-eighth session of the General Assembly;

4. *Also requests* the Secretary-General to present the proposed budget for the International Tribunal for the Former Yugoslavia for the biennium 2004-2005 to the General Assembly at its fifty-eighth session in accordance with the following provisions:

(a) The budget should include detailed reference as to how the resources requested for the biennium will support the implementation of a sound and realistic completion strategy and the status of implementation of Board of Auditors recommendations, where relevant, with regard to specific items of proposed expenditure;

(b) The budget requirements for the Registry, the Office of the Prosecutor and the non-judicial, administrative functions of the Chambers should be presented in a results-based format linking objectives and inputs to expected accomplishments to be measured by indicators of achievement;

(c) Proposed allocations for costs for translation of documents and travel of witnesses should specify application and prior approval procedures by the Registrar to ensure they do not exceed demonstrated requirements;

(d) Proposals for defence costs should take into account experience to date in the revised lump-sum remuneration arrangements for defence counsel and the application of assessing contributions from defendants based on ability to pay and taking into account revised definitions of indigence and partial indigence;

(e) The proposed post structure for the biennium 2004-2005 should reflect reductions and shifts in requirements within the International Tribunal for the Former Yugoslavia owing to the expected completion of investigations by 2004 and, where appropriate, address any new requirements for established posts through redeployment;

5. *Concurs* with the recommendation of the Board of Auditors in paragraph 62 of its report,[5] and invites the judges of the International Tribunal for the Former Yugoslavia[5] to give due consideration to implementing fully a system of designating defence counsel at random from a list of available lawyers established by the Registrar's office;

6. *Notes with concern* that the posts approved by the General Assembly in its resolutions 56/247 A and B for on-site audit and investigative services in the International Tribunal for the Former Yugoslavia have not been filled, and calls upon the Office of Internal Oversight Services to fill these positions without any further delay;

---

[5] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5L* (A/57/5/Add.12).

7. *Decides* that the financing for the unassessed expenditures incurred in 2001, in the amount of 413,600 United States dollars, shall be drawn from the unencumbered balance available in the Special Account for the International Tribunal for the Former Yugoslavia;

8. *Resolves* that, for the biennium 2002-2003, the amount of 248,926,200 dollars gross (223,169,800 dollars net), approved in its resolution 56/247 B for the budget of the International Tribunal for the Former Yugoslavia, shall be increased by 13,727,500 dollars gross (12,785,200 dollars net), for a total amount of 262,653,700 dollars gross (235,955,000 dollars net);

9. *Decides* that the increases resulting from the recosting and the establishment of one additional trial team, in the amount of 13,727,500 dollars gross (12,785,200 dollars net), shall be drawn from the unencumbered balance available in the Special Account for the International Tribunal for the Former Yugoslavia as of 31 December 2001;

10. *Decides also* to apportion for the year 2003 the amount of 64,275,950 dollars gross (58,066,375 dollars net), including 6,863,750 dollars gross (6,392,600 dollars net), being the increase in assessments, among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003 as set out in its resolutions 55/5 B of 23 December 2000 and 57/__ of _____ 2002;

11. *Decides further* to apportion for the year 2003 the amount of 64,275,950 dollars gross (58,066,375 dollars net), including 6,863,750 dollars gross (6,392,600 dollars net), being the increase in assessments, among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2003;

12. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 10 and 11 above, their respective share in the Tax Equalization Fund in the amount of 26,763,400 dollars, including the amount of 1,007,000 dollars, being the increase in the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2002-2003.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

		Gross	*Net* [a]
		(United States dollars)	
1.	Appropriation for the biennium 2002-2003 (resolution 56/247 B)	248 926 200	223 169 800
	Add:		
2.	Proposed changes for the biennium 2002-2003 (revised parameters/standards and requirements for 2 additional trial teams)	14 060 300	13 053 300
	Less:		
3.	ACABQ recommendations on the additional trial teams[a] (establishment of only one additional trial team)	(332 800)	(268 100)
4.	Proposed revised appropriation for the biennium 2002-2003 (1+2-3)	262 653 700	235 955 000
	Add:		
5.	Unassessed expenditures in 2001[b]	413 600	-
6.	Total amount to be financed (4+5)	263 067 300	235 955 000
	Less:		
7.	Amount to be financed from the unencumbered balance as of 31 December 2001[c] ((2-3)+5)	(14 141 100)	(12 785 200)
8.	Balance to be assessed for the biennium 2002-2003 (6-7)	248 926 200	223 169 800
	Less:		
9.	Assessment for 2002	(120 374 300)	(107 037 050)
10.	Balance to be assessed for 2003.	128 551 900	116 132 750
	Of which:		
11.	Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003	64 275 950	58 066 375
12.	Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2003	64 275 950	58 066 375

[a] See A/57/593.
[b] See A/57/367.
[c] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5L* (A/57/5/Add.12), chap. V, statement II.

United Nations A/C.5/57/L.31

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 113
Programme planning

Draft resolution submitted by the Rapporteur following informal consultations

Programme planning

The General Assembly,

Recalling its resolutions 37/234 of 21 December 1982, 38/227 A of 20 December 1983, 41/213 of 19 December 1986, 55/234 of 23 December 2000 and 56/253 of 24 December 2001,

Having examined the proposed revisions submitted by the Secretary-General[1] concerning the medium-term plan for the period 2002-2005,[2]

Having considered the report of the Committee for Programme and Coordination on the work of its forty-second session,[3]

Having also considered the note by the Secretary-General on the proposed revisions to programme 1, Political affairs, of the medium-term plan for the period 2002-2005,[4] the report of the Secretary-General on the programme performance of the United Nations for the biennium 2000-2001,[5] the report of the Office of Internal Oversight Services on strengthening the role of evaluation findings in programme design, delivery and policy directives[6] and the note by the Secretariat on a new subprogramme on financing for development and revisions to relevant subprogrammes under programme 7, Economic and social affairs, of the medium-term plan for the period 2002-2005,[7]

Having further considered the letter dated 15 October 2002 from the Chairman of the Sixth Committee addressed to the Chairman of the Fifth Committee[8] and the

[1] A/57/6 (Progs.1 and Corr.1, 2, 3, 5, 7 and Corr.1, 8-19 and 24-26).
[2] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 6* (A/55/6/Rev.1).
[3] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16* (A/57/16).
[4] A/C.5/57/12.
[5] A/57/62.
[6] See A/57/68.
[7] A/C.5/57/19.
[8] A/C.5/57/17.

02-72336 (E) 061202

letter dated 31 October 2002 from the President of the General Assembly addressed to the Chairman of the Fifth Committee,[9]

1. *Notes with appreciation* the work of the Committee for Programme and Coordination at its forty-second session;[3]

2. *Reaffirms* the role of the Committee as the main subsidiary organ of the General Assembly and the Economic and Social Council for planning, programming and coordination;

3. *Requests* the Committee to continue to observe its methods of governing the drafting and format of its reports;

4. *Encourages* the Committee to continue its discussions on improving its working methods and procedures within the framework of its mandate, with a view to further enhancing its effectiveness and continued relevance;

I

Revisions to the medium-term plan for the period 2002-2005

1. *Reaffirms* that the medium-term plan is the principal policy directive of the United Nations and that it shall serve as the framework for the next biennial programme budget;

2. *Reaffirms* regulations 4.2, 4.13 and 5.2 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation,[10] and requests the Secretary-General to ensure full compliance with them;

3. *Adopts* the proposed revisions to the medium-term plan for the period 2002-2005 submitted by the Secretary-General,[1] as amended by the relevant recommendations of the Committee for Programme and Coordination,[3] and the recommendations of the Economic and Social Council contained in its resolution 2002/39 of 25 October 2002;

4. *Notes* the recommendations of the Committee for Programme and Coordination[11] that the Secretary-General submit proposals for revisions to programme 7, Economic and social affairs, of the medium-term plan so as to reflect the review by the Assembly at its current session of the outcome of the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002,[12] and the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002,[13] and requests the Secretary-General to submit those proposals through the Committee at its forty-third session for consideration by the General Assembly at its fifty-eighth session;

5. *Also notes* the recommendation of the Committee for Programme and Coordination[14] that the Secretary-General submit proposals for revisions to

---

[9] A/C.5/57/20.

[10] ST/SGB/2000/8.

[11] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16* (A/57/16), paras. 107-108.

[12] A/CONF.198/11.

[13] A/CONF.199/20.

[14] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16* (A/57/16), para. 117.

programme 8, Africa: New Agenda for Development, of the medium-term plan so as to reflect the final review and appraisal by the General Assembly at its fifty-seventh session of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s and any other relevant legislative mandates, and requests the Secretary-General to submit those revisions through the Committee at its forty-third session for consideration by the Assembly at its fifty-eighth session;

6. *Requests* the Secretary-General, bearing in mind that the lack of time precludes further revisions to the medium-term plan at the present session, to prepare the proposed programme budget for the biennium 2004-2005 for programmes 7 and 8 of the medium-term plan in line with the recommendations of Committee for Programme and Coordination at its forty-second session and other relevant legislative mandates;

II

Programme performance of the United Nations for the biennium 2000-2001

1. *Takes note* of the report of the Secretary-General on the programme performance of the United Nations for the biennium 2000-2001;[5]

2. *Endorses* the conclusions and recommendations of the Committee for Programme and Coordination[15] regarding the report of the Secretary-General;

III

Evaluation

1. *Stresses* the importance and necessity of further improving evaluation and integrating it into the cycle of programme planning, budgeting and monitoring with a view to improving and strengthening programme formulation and implementation;

2. *Approves* the following schedule of in-depth evaluations to be submitted to the Committee for Programme and Coordination at its forty-third, forty-fourth and forty-fifth sessions respectively: (a) law of the sea and ocean affairs; (b) public administration, finance and development; and (c) human settlements;

3. *Emphasizes* the importance of the contribution of the relevant intergovernmental bodies, in particular the Main Committees of the General Assembly, in reviewing relevant recommendations on evaluation;

4. *Reiterates* its view that the relevant intergovernmental bodies, as well as the Economic and Social Council and the Main Committees of the General Assembly should include in their programmes of work a review of recommendations of the Committee for Programme and Coordination relevant to their work and take appropriate action;

5. *Regrets* that the relevant intergovernmental bodies did not review the recommendations on evaluation of the Committee;

6. *Urges* those intergovernmental bodies to effectively review the relevant recommendations on evaluation to facilitate their consideration by the Fifth Committee;

---

[15] Ibid., paras. 56-61.

7. *Endorses* the conclusions and recommendations of the Committee for Programme and Coordination on strengthening the role of evaluation findings in programme design, delivery and policy directives,[16] on the in-depth evaluation of the subprogrammes on General Assembly and Economic and Social Council affairs and Council support and coordination,[17] on the in-depth evaluation of legal affairs,[18] on the triennial review of the implementation of the recommendations made by the Committee at its thirty-ninth session on the in-depth evaluation of the disarmament programme[19] and on the triennial review of the implementation of the recommendations made by the Committee at its thirty-ninth session on the in-depth evaluation of the electoral assistance programme;[20]

IV
Report of the Joint Inspection Unit

1. *Endorses* the conclusions and recommendations of the Committee for Programme and Coordination[21] regarding the report of the Joint Inspection Unit entitled "Strengthening the investigations functions in United Nations system organizations";[22]

2. *Notes* the recommendation of the Joint Inspection Unit that executive heads of organizations should ensure that managers involved in investigations have sufficient training in the use of established standards and procedures for conducting investigations,[23] and requests the Secretary-General to ensure that United Nations programme managers implicated in incidents, crimes or irregularities leading to investigations are not involved, in any way, in conducting those investigations;

3. *Requests* the Secretary-General to review the practice of involving United Nations programme managers in investigative processes so as to ensure their independence in administrative and managerial functions and to establish proper guidelines that take into consideration the practice of internal control, and to report thereon to the General Assembly no later than at its fifty-eighth session;

V
Other conclusions and recommendations of the Committee for Programme and Coordination

1. *Endorses* the conclusions and recommendations of the Committee for Programme and Coordination[24] regarding the annual overview report of the United Nations System Chief Executives Board for Coordination for 2001,[25] and its conclusions and recommendations[26] regarding the report of the Secretary-General

---

[16] Ibid., paras. 253-259.
[17] Ibid., paras. 271-274.
[18] Ibid., paras. 289-290.
[19] Ibid., paras. 297-298.
[20] Ibid., paras. 305-306.
[21] Ibid., paras. 356-357.
[22] See A/56/282.
[23] Ibid., recommendation 2.
[24] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16* (A/57/16), paras. 316-323.
[25] E/2002/55.
[26] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 16* (A/57/16), paras. 334-338.

on the United Nations System-wide Special Initiative on Africa in the context of the final evaluation of the United Nations New Agenda for the Development of Africa in the 1990s;[27]

2. *Requests* the Secretary-General to submit a report to the Committee at its forty-third session on the future engagement of the United Nations system with the New Partnership for Africa's Development;

3. *Stresses* that inter-agency coordination in the field of management should be further strengthened, and recommends that progress made in that regard be reflected in future reports of the United Nations System Chief Executives Board for Coordination.

[27] E/AC.51/2002/8.

United Nations A/C.5/57/L.32

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 112
Programme budget for the biennium 2002-2003

Draft decision submitted by the Chairman

Construction of additional office facilities at the Economic Commission for Latin America and the Caribbean

The General Assembly takes note of the report of the Secretary-General on the construction of additional office facilities at the Economic Commission for Latin America and the Caribbean[1] and concurs with the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 7 of its report.[2]

[1] A/57/467.
[2] A/57/7/Add.8.

02-72378 (E) 061202

United Nations A/C.5/57/L.33

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 117
Scale of assessments for the apportionment of the expenses of the United Nations

Draft resolution submitted by the Chairman following informal consultations

Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly,

Recalling its resolutions 47/217 of 23 December 1992, 55/5 B of 23 December 2000, 56/240 E of 27 March 2002, 56/243 A of 24 December 2001, 56/243 B of 27 March 2002, 57/1 of 10 September 2002 and 57/3 of 27 September 2002,

Recalling also rule 160 of the rules of procedure of the General Assembly,

Having considered the report of the Committee on Contributions on its sixty-second session,[1]

Having also considered the reports of the Secretary-General on the application of Article 19 of the Charter of the United Nations[2] and on multi-year payment plans,[3]

Having further considered the letter dated 27 December 2001 from the Secretary-General addressed to the President of the General Assembly,[4]

Welcoming the admission of Switzerland and Timor-Leste to membership of the United Nations,

Multi-year payment plans

1. *Endorses* the conclusions and recommendations of the Committee on Contributions concerning multi-year payment plans, as contained in paragraphs 17 to 23 of its report;[1]

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 11* (A/57/11).
[2] A/57/60.
[3] A/57/65.
[4] A/56/767.

02-72416 (E) 061202

2. *Urges* all Member States to pay their assessed contributions in full, on time and without imposing conditions, in order to avoid the difficulties being experienced by the United Nations;

Appeals by Members for a change of assessments

3. *Decides* to fix the rates of assessment in 2003 for Afghanistan at 0.001 per cent and for Argentina at 0.969 per cent, as ad hoc adjustments;

4. *Requests* the Committee on Contributions to elaborate further on the criteria regarding ad hoc adjustments of the rates of assessment for consideration and approval by the General Assembly, in keeping with rule 160 of the rules of procedure, so as to facilitate further the consideration of such adjustments by the Assembly;

5. *Emphasizes* the need to seek to preserve the integrity of the scale of assessments;

6. *Notes* that the decision contained in paragraph 3 above is not a precedent and that future appeals by Member States under rule 160 of the rules of procedure will be considered on a case-by-case basis;

7. *Also notes* that this decision should have no automatic implication for the apportionment of the expenses of the specialized agencies or the International Atomic Energy Agency;

Assessment of new Member States

8. *Reaffirms* the current methodology of the scale of assessments, as approved in its resolution 55/5 B;

9. *Decides* that the rate of assessment for Switzerland, admitted to membership of the United Nations on 10 September 2002, should be 1.274 per cent for 2002 and 2003;

10. *Also decides* that the rate of assessment for Timor-Leste, admitted to membership of the United Nations on 27 September 2002, should be 0.001 per cent for 2002 and 2003;

11. *Further decides* that the contributions of Switzerland and Timor-Leste for the regular budget, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the year 2002 should be calculated on the basis of one twelfth of their relevant rates of assessment for the year 2002 per full calendar month of membership;

12. *Decides* that Switzerland should be credited with a corresponding proportion of its non-member State assessment for the year 2002;

13. *Also decides* that the contributions of Switzerland and Timor-Leste for the year 2002 should otherwise be applied to the same basis of assessment as for other Member States;

14. *Further decides* that the assessments of Switzerland and Timor-Leste for the year 2002 should be taken into account as miscellaneous income in accordance with regulation 5.2 (c) of the Financial Regulations and Rules of the United Nations;

15. *Decides* that for the year 2003, the rates of assessment for Switzerland and Timor-Leste should be added to the scale of assessments established by the General Assembly in its resolution 55/5 B;

16. *Also decides* that, in accordance with financial regulation 5.8, the advances of Switzerland and Timor-Leste to the Working Capital Fund should be calculated by the application of their rates of assessment for the year 2002 to the authorized level of the Fund and should be added to the Fund, pending their incorporation in a 100 per cent scale for the Fund for the biennium 2004-2005;

Outstanding assessed contributions of the former Yugoslavia

17. *Decides* to consider further the question of the outstanding assessed contributions of the former Yugoslavia at its fifty-eighth session;

Other matters

18. *Endorses* the recommendation of the Committee on Contributions contained in paragraph 125 of its report concerning the financing of the final budget appropriations for the biennium 2000-2001.

United Nations A/C.5/57/L.34

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 121
United Nations pension system

Draft resolution submitted by the Vice-Chairman following informal consultations

United Nations pension system

The General Assembly,

Recalling its resolutions 51/217 of 18 December 1996, 53/210 of 18 December 1998 and 55/224 of 23 December 2000 and section V of resolution 54/251 of 23 December 1999 and section V of resolution 56/255 of 24 December 2001,

Having considered the report of the United Nations Joint Staff Pension Board for 2002 to the General Assembly and to the member organizations of the United Nations Joint Staff Pension Fund,[1] the report of the Secretary-General on the investments of the Fund[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

1. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions;[3]

I
Actuarial matters

Recalling section I of its resolution 55/224,

Having considered the results of the valuation of the United Nations Joint Staff Pension Fund as at 31 December 2001 and the observations thereon by the consulting actuary of the Fund, the Committee of Actuaries and the United Nations Joint Staff Pension Board,

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 9* (A/57/9).
[2] A/C.5/57/11.
[3] A/57/490.

02-72446 (E) 091202

1. *Takes note* of the actuarial situation of the United Nations Joint Staff Pension Fund, which went from an actuarial surplus of 0.36 per cent of pensionable remuneration as at 31 December 1997 to an actuarial surplus of 4.25 per cent of pensionable remuneration as at 31 December 1999, and to an actuarial surplus of 2.92 per cent of pensionable remuneration as at 31 December 2001 and, in particular, of the opinions provided by the consulting actuary and the Committee of Actuaries, as reproduced in annexes VII and VIII, respectively, to the report of the United Nations Joint Staff Pension Board;[1]

2. *Also takes note* of the Board's general support of the report of the Working Group established by the Board to undertake a fundamental review of the benefit provisions of the Fund, taking into account developments in staffing and remuneration policies in the member organizations and in pension arrangements at the national and international levels, and notes in particular that the Board approved the recommendations of the Working Group, set out in paragraphs 157 and 158 of the report of the Board,[1] as further promoting the human resources framework adopted by the International Civil Service Commission and the Assembly, and serving to enhance the mobility of staff and the portability of pensions;

3. *Further takes note* of the recommendation of the Board that the current contribution rate be maintained but kept under review;

4. *Approves*, in principle, the changes in the benefit provisions of the Regulations of the Fund, as set out in annex XIV of the report of the Board, to eliminate the limitation on the right to restoration for existing and future participants, with implementation to begin at such time as the actuarial valuation of the Fund shows a clear upward pattern of surpluses;

5. *Notes* that the Board agreed to make no changes in the methodology currently used in the determination of final average remuneration, but agreed to study all possible means of redressing the existing aberrations in the levels of initial pensions and in income replacement ratios over time;

6. *Concurs* with the transfer agreements with the European Organization for the Safety of Air Navigation (Eurocontrol) and the Organization for Security and Cooperation in Europe, as approved by the Board under article 13 of the Regulations of the Fund, with a view to securing continuity of pension rights between the Fund and the two organizations, as set out in annex X to the report of the Board;

II
Pension adjustment system

Recalling section II of its resolution 55/224,

Having considered the reviews carried out by the Working Group of the United Nations Joint Staff Pension Board and then by the Board, as set out in its report,[1] of various aspects of the pension adjustment system,

1. *Recalls* the aim of enhancing the mobility of staff and the portability of pensions;

2. *Approves*, in principle, the changes in the pension adjustment system, as set out in annex XIII to the report of the Board,[1] with implementation to begin when the actuarial valuation of the Fund shows a clear upward pattern of surpluses:

(a) To apply cost-of-living adjustments to deferred retirement benefits as from age 50;

(b) To apply cost-of-living differential factors to deferred retirement benefits as from the date of separation;

3. *Notes* that the United Nations Joint Staff Pension Board approved of the Working Group's recommendation to eliminate the 1.5 percentage point reduction in the first consumer price index adjustment due to existing and future beneficiaries, subject to an actuarial surplus being revealed in the actuarial valuation to be performed as at 31 December 2003;

4. *Takes note* of the decision of the Board to continue to study the problems associated with the adjustment of pensions after award;

5. *Also takes note* of the results of the monitoring of the costs/savings of recent modifications of the two-track feature of the pension adjustment system and of the intention of the Board to continue to monitor those costs/savings every two years, on the occasion of the actuarial valuations of the United Nations Joint Staff Pension Fund;

III
Financial statements of the United Nations Joint Staff Pension Fund and report of the Board of Auditors

Having considered the financial statements of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 2001, the audit opinion and report of the Board of Auditors thereon, the information provided on the internal audits of the Fund and the observations of the United Nations Joint Staff Pension Board,[1]

1. *Notes* that the report of the Board of Auditors on the accounts of the United Nations Joint Staff Pension Fund for the biennium ended 31 December 2001 indicated that the financial statements were in compliance with accepted standard accounting principles and that there were no major findings of problems concerning procedures and controls;

IV
Administrative arrangements and longer-term objectives of the United Nations Joint Staff Pension Fund

Recalling section VII of its resolution 51/217, section V of its resolution 52/222, section V of its resolution 53/210, section V of its resolution 54/251, section IV of its resolution 55/224 and section V of its resolution 56/255, concerning the administrative arrangements and expenses of the United Nations Joint Staff Pension Fund,

Having considered section VII of the report of the United Nations Joint Staff Pension Board[1] on the administrative arrangements of the Fund,

1. *Takes note* of the information set out in paragraphs 96 and 97 of the report of the United Nations Joint Staff Pension Board[1] on the revised budget estimates for the biennium 2002-2003;

2. *Approves* the increase in resources under administrative costs for the biennium 2002-2003, from 29,943,800 dollars to 30,006,300 dollars, for the recalculation of benefits due to a judgement of the International Labour Organization Tribunal and a retroactive change in local salary scales;

3. *Takes note* of the information set out in paragraphs 100 to 104 of the report of the Board on the whole-office review of the staffing structure and levels of both the United Nations Joint Staff Pension Fund secretariat and the Investment Management Service, and also takes note of the support and endorsement in principle of the Board for the Secretary/Chief Executive Officer's efforts and plans for modernization in order to deal with the fast-growing activities of the Fund;

4. *Also takes note* of the support of the Board for the efforts of the Secretary/Chief Executive Officer to continue to search for permanent premises for the Fund in New York;

V
Survivors' benefits

Recalling section V of its resolution 55/224,

1. *Takes note* of the further review undertaken by the United Nations Joint Staff Pension Board of issues related to the pension entitlements of survivors, and requests the Board to examine the administrative and financial aspects of this matter, as a whole, and report to the General Assembly thereon at its fifty-ninth session;

VI
Activities relating to former participants from the former Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic

Recalling section VI of its resolution 55/224,

1. *Notes* the information provided by the United Nations Joint Staff Pension Board in paragraphs 125 to 140 of its report,[1]

2. *Decides* that this issue does not require further consideration by the General Assembly;

VII
Size and composition of the United Nations Joint Staff Pension Board and the Standing Committee

1. *Takes note* of the information set out in paragraphs 205 to 220 of the report of the United Nations Joint Staff Pension Board[1] on the review of the size and composition of the Board and the Standing Committee;

2. *Requests* the United Nations Joint Staff Pension Board to study the representation of the Fund's member organizations on the Board, so as to clarify the criteria adopted for that purpose, and to submit further proposals to the General Assembly at its fifty-ninth session, with a view to making such representation more equitable, in order to reflect the actual distribution of active participants in the Fund, present and future trends in Fund participation, the changing nature of the Fund's member organizations, and improved participation by members and alternate members in the Committee and Board meetings;

VIII
Other matters

1. *Takes note* of the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 194 and 195 of its report,[1] on the review and conclusions reached by the International Civil Service Commission on the changes in average tax rates at the seven headquarters duty stations, which formed the basis for the development of the current common scale of staff assessment for pensionable remuneration;

2. *Approves*, with effect from 1 April 2003, amendments to articles 28 (g), 30 (c) and 34 (f), of the Regulations of the Fund, as set out in the annex to the present resolution, to increase the ceilings applicable in the commutation of the minimum benefit;

3. *Also approves*, with effect from 1 April 2003, the addition of a new paragraph to article 21 of the Regulations of the Fund, as set out in the annex to the present resolution, stating that a participant is deemed to have separated when he or she is on leave without pay for an extended period of time without concurrent contributions having been paid to the Fund;

4. *Notes* that the Board considered the possible application by the International Criminal Court to become a member organization of the Fund and that a formal application would be submitted to the Standing Committee in 2003, with possible membership to take effect on 1 January 2004;

5. *Also notes* that the Board considered a detailed report of the medical consultant covering the period from 1 January 2000 to 31 December 2001;

6. *Takes note* of the other matters dealt with in the report of the Board;

7. *Decides* to revert to the issue of possible improvements in pension benefits at the fifty-ninth session of the General Assembly;

IX
Investments of the United Nations Joint Staff Pension Fund

1. *Takes note* of the report of the Secretary-General on the investments of the United Nations Joint Staff Pension Fund[2] as well as the observations of the United Nations Joint Staff Pension Board, as set out in paragraphs 81 to 83 of its report;[1]

2. *Stresses* the importance of ensuring that the fiduciary responsibility of the Secretary-General, under the Regulations of the Fund, to take decisions on the investments of the assets of the Fund should under no circumstances be compromised;

3. *Notes* the concern expressed by the Board over the reduction in the market value of the Fund's investments and the continuing efforts by the management of the investments to deal with market turbulence;

4. *Takes note* of the intention of the Board of Auditors and the Pension Board:

(a) To follow up on the audit recommendations;

(b) To review the procedures and operating methods of the Investment Management Service;

(c) To review terms of reference for an independent external performance review of the investments of the Fund;

X
Diversification of investments of the United Nations Joint Staff Pension Fund

Recalling its resolutions 36/119 A to C of 10 December 1981,

1. *Recognizes* that the Fund's policy of broad diversification of its investments by currency, types of asset classes and geographical areas continues to be the most reliable method of reducing risk and improving returns over long periods of time;

2. *Reaffirms* paragraph 3 of section VIII of its resolution 55/224;

3. *Reaffirms* the policy of diversification of the investments of the Fund across geographical areas, wherever this serves the interests of the participants and beneficiaries of the Fund, in accordance with the four criteria of safety, profitability, liquidity and convertibility;

4. *Requests* the Secretary-General to continue to report on this matter to the General Assembly at its fifty-ninth session.

Annex

Amendments to the Regulations of the United Nations Joint Staff Pension Fund

Article 21
Participation

Add the following new paragraph (c):

"(c) Notwithstanding the provisions of (b) above, a participant is deemed to have separated when he or she has completed (i) a consecutive period of three years on leave without pay without concurrent contributions having been paid in accordance with article 25 (b), or (ii) four years under the conditions described in (i) above within a total period of five years. To re-enter the Fund, such former participant would have to satisfy the requirements for participation set out in (a) above."

Article 28
Retirement benefit

In paragraph (g), subparagraph (iii), *replace* the number "300" *with* the number "1,000".

Article 30
Deferred retirement benefit

In paragraph (c), *replace* the number "300" *with* the number "1,000".

Article 34
Widow's benefit

In paragraph (f), *replace* the number "200" *with* the number "600".

United Nations A/C.5/57/L.35

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 125
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Draft resolution submitted by the Chairman following informal consultations

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General on the first performance report of the International Tribunal for Rwanda for the biennium 2002-2003,[1] the financial performance report of the International Tribunal for Rwanda for the period from 1 January to 31 December 2001,[2] the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda,[3] the long-term financial obligations of the United Nations with regard to the enforcement of sentences[4] and

[1] A/57/481 and Corr.1.
[2] A/57/368.
[3] A/56/853.
[4] A/57/347.

02-72348 (E) 061202

the conditions of service for the ad litem judges of the International Tribunal for Rwanda,[5]

Having also considered the revised estimates arising in respect of Security Council resolution 1431 (2002) on the establishment of ad litem judges in the International Tribunal for Rwanda,[6]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[7]

Recalling its resolutions 56/248 A of 24 December 2001 and 56/248 B of 27 March 2002 on the financing of the International Tribunal for Rwanda for the period from 1 January 2002 to 31 December 2003,

Taking note of Security Council resolution 1431 (2002) of 14 August 2002 on the establishment of ad litem judges for the International Tribunal for Rwanda,

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[7] subject to the provisions of the present resolution;

2. *Notes with concern* that the vacancy rate at the International Tribunal for Rwanda remains at unacceptably high levels and that, by the end of 2002, the posts of Chief of Prosecution and Deputy Prosecutor will have been vacant for more than two years and nineteen months, respectively, despite information indicating that there was an abundance of qualified candidates in the region and elsewhere, and requests the Registrar of the International Tribunal for Rwanda to ensure that the aforementioned posts are filled without further delay and to report thereon to the General Assembly no later than at its fifty-eighth session;

3. *Urges* the Secretary-General to request the Office of Internal Oversight Services to conduct a management review of the Office of the Prosecutor, paying particular attention to the problems which have arisen in filling these critical posts[8] and to report thereon to the General Assembly no later than at its fifty-eighth session;

4. *Notes with concern* that the posts approved by the General Assembly in its resolutions 56/248 A and B for on-site audit and investigative services in the International Tribunal for Rwanda have not been filled, and calls upon the Office of Internal Oversight Services to fill these positions without any further delay;

5. *Takes note* of the report of the Secretary-General on the long-term financial obligations of the United Nations with regard to the enforcement of sentences,[9] on the understanding that future budgetary requests on enforcement of sentences will be considered on a case-by-case basis, taking into account legal, administrative and financial justification provided in support of each request;[9]

6. *Affirms* that it would be appropriate for the United Nations to bear the immediate costs arising from providing prisoners serving sentences imposed by the

[5] A/57/587.
[6] A/57/482.
[7] A/57/593.
[8] Ibid., para. 13.
[9] A/57/593, para. 41.

International Tribunal for Rwanda with a regime of imprisonment that is consistent with those outlined in paragraph 17 of the report of the Secretary-General;[1]

7. *Invites* the Security Council to address uncertainties arising from issues identified in paragraphs 8, 42 and 43 of the report of the Secretary-General and to provide guidance on possible amendments to the statute of the International Tribunal for Rwanda;

8. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on these issues, including the consideration of the Security Council;

9. *Also requests* the Secretary-General, as an ad hoc and interim measure, to charge the costs related to the needs arising with regard to the enforcement of sentences within presently appropriated resources before the end of the current biennium 2002-2003;

10. *Further requests* the Secretary-General, in full cooperation with the International Tribunal for Rwanda, to ensure that due consideration is given in all future budget proposals for the International Tribunal for Rwanda for the provision of resources to facilitate the enforcement of sentences;

11. *Requests* the Secretary-General to ensure adequate oversight of prison facility upgrade projects and the subsequent maintenance of minimum international prison standards, where these maintenance costs are borne by the United Nations;

12. *Also requests* the Secretary-General to continue to assess the accuracy of the cost estimates proposed in his report on the enforcement of sentences, to report thereon to the General Assembly at its fifty-eight session, and to keep these cost estimates under periodic review;

13. *Urges* the International Tribunal for Rwanda to continue to consult closely with the International Tribunal for the Former Yugoslavia in the development and implementation of its own completion strategy;

14. *Requests* the Secretary-General to prepare a comprehensive report on the progress made by the International Tribunal for Rwanda in reforming its legal aid system, for the main part of the fifty-eighth session of the General Assembly;

15. *Also requests* the Secretary-General to present to the General Assembly at its fifty-eighth session the proposed budget for the International Tribunal for Rwanda for the biennium 2004-2005, which should also include the following provisions:

(a) The budget should include detailed reference as to how the resources requested for the biennium will support the development of a sound and realistic completion strategy and the status of implementation of Board of Auditors recommendations, where relevant, with regard to specific items of proposed expenditure;

(b) The budget requirements for the Registry, the Office of the Prosecutor and the non-judicial, administrative functions of the Chambers should be presented in a results-based format linking objectives and inputs to expected accomplishments to be measured by indicators of achievement;

(c) Revised arrangements for preventing over-expenditures of defence counsel and managing, monitoring and controlling the expenses of the legal aid system of the International Tribunal for Rwanda should be included in support of proposals for defence costs, including a full definition and establishment of quantitative criteria for determining indigency and partial indigency based on, inter alia, the defendants' circumstances and ability to pay;

(d) Proposed allocations for costs for travel of investigators should be supported by those procedures implemented by the Registrar in order not to exceed requirements;

(e) The proposed post structure for the biennium 2004-2005 should reflect reductions and shifts in requirements within the International Tribunal for Rwanda owing to the expected completion of investigations by 2003 and, where appropriate, address any new requirements for established posts through redeployment;

16. *Further requests* the Secretary-General to consider the introduction, wherever feasible, to the International Tribunal for Rwanda of all those measures undertaken in the International Tribunal for the Former Yugoslavia that have proved effective with regard to controlling administrative costs, including maintaining efficient administrative and managerial functions;

17. *Approves* the additional resources for the International Tribunal for Rwanda for 2003 as recommended by the Advisory Committee, except that the staffing complement shall be reduced by four posts, and requests the Secretary-General to report on the use of ad litem judges and their impact in the second performance report for the biennium 2002-2003;

18. *Requests* the Secretary-General to ensure that optimum use is made of ad litem judges, following their introduction, to increase the number of court sessions and extend scheduled working hours;

19. *Decides* that the financing for the unassessed expenditures incurred in 2001, in the amount of 2,664,500 United States dollars gross (1,880,000 dollars net) shall be drawn from the unencumbered balance in the Special Account for the International Tribunal for Rwanda;[10]

20. *Resolves* that, for the biennium 2002-2003, the amount of 197,127,300 dollars gross (177,739,400 net), approved in its resolution 56/248 B for the budget of the International Tribunal for Rwanda, shall be adjusted by the amount of 4,657,600 dollars gross (4,254,100 dollars net) arising for ad litem judges in respect of Security Council resolution 1431 (2002) for a total amount of 201,784,900 dollars gross (181,993,500 dollars net);

21. *Authorizes* the Secretary-General to enter into commitments, where necessary, in an amount not to exceed 2,177,700 dollars gross (879,200 dollars net) for the resource requirements of the International Tribunal for Rwanda to support the re-costing of resources for the biennium 2002-2003, and requests the Secretary-General to report on the impact thereof in the context of the second performance report for the biennium;

---

[10] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 5L* (A/57/5/Add.17), chap. V, statement II.

22. *Decides* to apportion for 2003 the amount of 53,047,600 dollars gross (47,759,100 dollars net), including 5,202,750 dollars gross (4,521,450 dollars net), being the increase in assessments, among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003 as set out in its resolutions 55/5 B of 23 December 2000 and 57/___ of __ December 2002;

23. *Decides also* to apportion for 2003 the amount of 53,047,600 dollars gross (47,759,100 dollars net), including 5,202,750 dollars gross (4,521,450 dollars net), being the increase in assessments, among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2003;

24. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 22 and 23 above, their respective share in the Tax Equalization Fund in the amount of 20,671,800 dollars, including 1,283,900 dollars, being the increase of the estimated staff assessment income approved for the International Tribunal for Rwanda for the biennium 2002-2003.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
1. Appropriation for the biennium 2002-2003 (resolution 56/248 B)	197 127 300	177 739 400
Add:		
2. Projected changes for the biennium 2002-2003 (revised parameters/standards and requirements for Defence Counsel)[a]	2 177 700	879 200
3. Proposal for ICTR ad litem judges[b]	5 060 100	4 605 400
(a) ACABQ recommendations on ad litem judges[c]	(282 100)	(245 500)
(b) Fifth Committee recommendations	(120 400)	(105 800)
4. Proposed revised appropriation for the biennium 2002-2003 (1+2+3+3 (a) + 3 (b))	203 962 600	182 872 700
Less:		
5. ACABQ recommendations on projected changes as contained in the ICTR 2002-2003 first performance report — commitment authority[d]	(2 177 700)	(879 200)
6. Total amount to be financed (4-5)	201 784 900	181 993 500
Less:		
7. Assessment for 2002	(95 689 700)	(86 475 300)
8. Balance to be assessed for 2003	106 095 200	95 518 200
Of which:		
9. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2003	53 047 600	47 759 100
10. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2003	53 047 600	47 759 100

[a] A/57/481 and Corr.1.
[b] A/57/482.
[c] A/57/368.
[d] The Fifth Committee recommends that the General Assembly authorize the Secretary-General to incur commitments up to that amount, should it be deemed necessary, and report thereon in the context of the next performance report.

United Nations A/C.5/57/L.36

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 126
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Draft resolution submitted by the Chairman following informal consultations

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

The General Assembly,

Recalling its resolutions 47/217 of 23 December 1992, 55/235 and 55/236 of 23 December 2000, 57/1 of 10 September 2002, 57/3 of 27 September 2002 and 57/__ of __ December 2002,

1. *Decides* that, in accordance with the criteria established by the General Assembly in its resolution 55/235, Switzerland will be assigned to level B under the system of adjustments used for establishing rates of assessment for peacekeeping operations;

2. *Also decides* that, in accordance with the same criteria, Timor-Leste will be assigned to level I under the system of adjustments used for establishing rates of assessment for peacekeeping operations;

3. *Further decides* that, in the case of appropriations or apportionments approved by the General Assembly for the financing of peacekeeping operations, the contributions of Switzerland and Timor-Leste, as determined by their respective levels under the system of adjustments used for establishing effective rates of assessment for peacekeeping operations, should be calculated in proportion to the calendar year;

4. *Decides* that the assessments of Switzerland and Timor-Leste for the year 2002 should be taken into account as miscellaneous income in accordance with regulation 5.2 (c) of the Financial Regulations and Rules of the United Nations;

5. *Notes* that, pursuant to General Assembly resolution 47/217, the assessments of Switzerland and Timor-Leste for the Peacekeeping Reserve Fund should be calculated by the application of their first rates of assessment for peacekeeping operations to the authorized level of the Fund.

02-72428 (E) 061202

United Nations A/C.5/57/L.37

General Assembly

Distr.: Limited
4 December 2002

Original: English

Fifty-seventh session
Fifth Committee
Agenda item 112
Programme budget for the biennium 2002-2003

Draft decision submitted by the Chairman following informal consultations

Strengthening the Department of Public Information, within the existing capacity, in order to support and enhance the United Nations web site in all official languages of the Organization

The General Assembly,

(a) Takes note of the report of the Secretary-General on strengthening the Department of Public Information, within the existing capacity, in order to support and enhance the United Nations web site in all official languages of the Organization[1] and of the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

(b) Expresses concern that the Department of Public Information was not able to identify at this stage any resources, including through redeployment, for this priority activity;

(c) Requests the Secretary-General to proceed with the implementation of his proposal on strengthening the web site through the redeployment of resources within the Department of Public Information, giving priority to the language posts required, and to report on the status of implementation to the General Assembly at its fifty-eighth session;

(d) Recalls paragraph 66 of its resolution 57/___;

(e) Requests the Secretary-General, in this context, to keep the question of the equality between the six official languages on the web site under review and to submit proposals aimed at achieving full equality between the languages.

---

[1] A/55/355.
[2] A/57/7/Add.2.

02-72434 (E) 061202